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September 10, 2018

VIA ECF

Honorable Vernon S. Broderick  
United States District Court  
Southern District of New York  
40 Foley Square  
Room 4115  
New York, New York 10007

**Re: Great Western Ins. Co. v. Blue Capital Management, Inc., et al., No. 1:18-cv-6249(VSB)**

Dear Judge Broderick:

We are the attorneys for defendant- entities Blue Capital Management, Inc., Blue Alternative Asset Management, LLC, Blue Elite Fund, Ltd., Blue Elite Fund, L.P., and Blue II, Ltd and for Mark Graham ( together the “Blue Defendants”). We write to request an extension of Defendants’ time to answer or move. The time to respond for Mark Graham, Blue Capital Management, Inc., and Blue Alternative Asset Management, LLC, is September 28, per the Stipulation and Order entered on August 17, 2018 (ECF No. 23). There is no order governing the time to respond for the Blue Elite Fund, Ltd., Blue Elite Fund, L.P., and the Blue II, Ltd. entities. Other than the Stipulation and Order mentioned above, no prior request has been made for an extension by the Blue Defendants.

We have only recently been retained within the past two weeks. In that time, we have reviewed the fifty-two page complaint, met with Mr. Graham, begun the process of transferring the over 400 gigabytes of data from the Blue Defendant’s SEC attorneys, and are in the process of analyzing Plaintiff’s claims and the Blue Defendant’s potential defenses.

We anticipate drafting and filing a motion to dismiss on behalf of all or some of the Blue Defendants, each of which have multiple issues that need to be addressed, some in common with

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each other and some different. We contacted Plaintiff's counsel and attempted to negotiate a mutually agreeable briefing schedule that would afford us, as new counsel, time to analyze the very complicated complaint and to draft coherent and well-founded motions. Plaintiff's counsel has declined to negotiate or agree to a briefing schedule. I attach here the correspondence with Stephen W. McInerney, an associate with Sidley Austin, LLP, counsel for Plaintiffs (my private conference dial-in information has been redacted).

This past Friday, on September 7<sup>th</sup>, we conferred with Plaintiff's counsel by telephone. On behalf of the Blue Defendants, we again attempted to propose a revised briefing schedule, explaining that we needed some time to review the complaint, formulate an appropriate response and draft any necessary motions. Mr. McInerney on behalf of Sidley refused any accommodation and would not agree to extend the time for filing any motion beyond September 28.

This is a complicated, paper-intensive case, alleging twelve counts, including Civil Rico allegations against twenty-one domestic and foreign people and entities. The complaint and associated exhibits numbers two hundred and forty pages, most of which are dense contractual agreements requiring close scrutiny. We, as new counsel, have barely had time to review the complaint, much less analyze the exhibits and the potential defenses. We respectfully submit some additional time is fair and appropriate given the size and complexity of this matter, and necessary to avoid the necessity of filing of separate motions for different defendants on different briefing schedules.

The Court's Order at ECF #23 contemplates that the parties would work together to formulate a briefing schedule for answers and motions. We have tried. Plaintiff's counsel has refused to do so. We respectfully request that the Court set the time for Defendant's to respond to the Complaint for November 7, 2018. As required by the Court's Individual Rules of Practice, we also submit a proposed Scheduling Order attached to this letter. To be fair, we have not discussed these dates with Plaintiff's counsel, as they have refused to entertain any extension of time at all.

We thank the Court for its courtesy in considering this application.

Respectfully submitted,

/s/ Eric R. Breslin

Attachments  
cc. All Counsel of Record (VIA ECF)